

REMARKS

In a Non-Final Office Action mailed on March 9, 2004, the Examiner rejected all of the pending claims under 35 U.S.C. § 112. Applicants respectfully disagree with the Examiner's arguments, but in the interest of furthering prosecution, Applicants have cancelled all of the previously pending claims and added new claims 37 – 61.

In the previously pending claims, Applicants had inserted language to more precisely define the claimed spacer region. During an interview with Examiner Marschel that took place on May 21, 2004, Applicants indicated that they would file new claims without the language for which the Examiner had indicated that he believed that there was not adequate support in the specification, and would instead define the spacer as being located between the capture moiety and the primer region, and designed to minimize template independent noise. Support for these two limitations are expressly provided in figure 1 and on page 15, lines 34-37, respectively. The Examiner indicated that he would reconsider the limitations on the spacer region for which Applicants pointed to specific portions of the disclosure. Applicants also noted that all of the new claims are directed to using the described sequencing reagent for an array of sequencing reagents so that a pattern of signals is generated on an array.

Support for all of the new claims may, for example, be found as follows:

- claim 37, page 26, lines 21-31; page 27, lines 32-33; page 15, line 34 - page 16, line 2; page 27, lines 22-31; page 28, line 6 - page 29, line 5; page 31, line 8 - page 32, line 25, figure 1;
- claim 38, page 20, lines 14-17;
- claim 39, page 20, lines 25-27;
- claim 40, page 20, line 16;
- claim 41, page 20, lines 21-22;
- claim 42, page 12, line 17 - page 13, line 22;

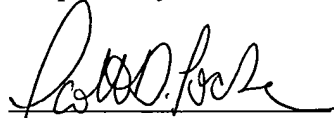
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- claim 43, page 13, lines 17-20;
- claim 44, page 13, lines 17-20;
- claim 45, page 14, lines 29-32;
- claim 46, page 14, lines 35-37;
- claim 47, page 15, lines 20-21;
- claim 48, page 15, lines 31-33;
- claim 49, page 28, lines 29-36;
- claim 50, page 28, line 33 - page 29, line 1;
- claim 51, page 29, lines 1-3;
- claim 52, page 29, lines 12-27;
- claim 53, page 29, lines 28-30;
- claim 54, page 30, lines 1-2;
- claim 55, page 30, lines 8-9;
- claim 56, page 30, lines 16-18;
- claim 57, page 29, lines 30-36;
- claim 58, page 20, lines 17-18;
- claim 59, page 29, lines 30-36;
- claim 60, page 16, lines 10-13; and
- claim 61, page 15, lines 23-26.

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Applicants submit that no fee is due at this time. If a fee is deemed necessary, the United States Patent Office is hereby authorized to charge Deposit Account No. 11-0171 for such sum accordingly.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott D. Locke", written over a horizontal line.

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